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February 10, 2000

BY HAND

Ms. Magalie Roman Salas, Secretary Federal Communications Commission 450 12th Street, S.W. Washington, D.C. 20554 RECEIVED

FEB 1 1 2000

OFFICE OF THE SECRETARY

Re: Notice of Ex Parte Presentation

Digital Must-Carry Proceeding Docket No. 98-120

Dear Ms. Salas:

This is to provide notice that Kent Rice, President and Chief Operating Officer of the International Channel ("IC"), and Robert L. Hoegle, counsel for IC, met separately on February 9 with the following persons regarding the above-referenced rulemaking: Helgi Walker, Legal Advisor to Commissioner Furchtgott-Roth; Rick Chessen, Legal Advisor to Commissioner Tristani and David Goodfriend, Legal Advisor to Commissioner Ness.

On February 10, Messrs. Rice, Hoegle and Christopher Boam, of Carter, Ledyard & Milburn, met to discuss that rulemaking with: Ben Golant, Eloise Gore and Thomas Horan of the Cable Services Bureau; Bruce Romano, Deputy Chief of the Policy and Rules Division; Jonathan Levy, Economist with the Office of Plans and Policy; Deborah Klein, Chief, Consumer Protection and Competition Division and Ronald Parver, Assistant Chief, Consumer Protection and Competition Division and separately with Marsha MacBride, Legal Advisor to Commissioner Powell and Thomas Power, Legal Advisor to Chairman Kennard. An original and one copy of this letter and enclosures are being submitted for inclusion in the record in this proceeding, and copies are being provided to each attendee.

During the meetings, we discussed the application of the proposed rules to IC and the foreign language channels which it represents, as well as the *Canales* \tilde{n} tier of Spanish language programming. The specific topics of discussion are summarized in the enclosed materials, copies of which were provided to the attendees. During the course of the meeting, we also responded to questions from the Commission attendees regarding the information presented in the enclosures.

OH

ORIGINAL

If you have any questions regarding the above information or enclosures, please contact the undersigned.

Very truly yours,

Robert L. Hoegle

RLH:ds Enclosures

cc: Rick Chessen, Legal Advisor to Commissioner Tristani (w/encl.)

Benjamin Golant, Cable Services Bureau (w/encl.)

David Goodfriend, Legal Advisor to Commissioner Ness (w/encl.)

Eloise Gore, Cable Services Bureau (w/encl.)

Thomas Horan, Cable Services Bureau (w/encl.)

Deborah E. Klein, Chief, Consumer Protection and Competition Div. (w/encl.)

Jonathan D. Levy, Economist, Office of Plans and Policy (w/encl.)

Marsha MacBride, Legal Advisor to Commissioner Powell (w/encl.)

Ronald Parver, Asst. Chief, Consumer Protection and Competition Div. (w/encl.)

Thomas Power, Legal Advisor to Chairman Kennard (w/encl.)

Bruce Romano, Deputy Chief, Policy and Rules Division (w/encl.)

Helgard C. Walker, Legal Advisor to Commissioner Furchtgott-Roth (w/encl.)

The International Channel Networks -- Who We Are

▶ We Program the International Channel

- Foreign Language Multi-foreign language programming service, including Arabic, Cambodian, Cantonese, Farsi, French, German, Greek, Hindi, Hmong, Italian, Japanese, Korean, Mandarin, Polish, Portuguese, Russian, Scandanavian (various), Spanish, Tagalog, Thai and Vietnamese.
- <u>Basic Service</u> -- Entertainment and information programming service for analog distribution with a wide variety of foreign news, sports, dramatic, documentary, children's, performing arts, animation, lifestyle and variety programming.

▶ We Represent Nine¹ Foreign-Language Premium Services

- Art America -- (Arabic) ART (Arab Radio & Television) offers a wide selection of Arabic cultural and Islamic general entertainment programs. ART programming, including Arabic and international movies, is selected and produced to cater to Moslems and Arabs living across the American continent. ART's goal is to link the Arab communities to their homeland with programming in their own languages. Programming highlights include entertainment, drama, sports and movies, as well as coverage of national events, festivals and religious celebrations. Parent Company: ART, Jeddah, Saudi Arabia.
- <u>CCTV-4</u> -- (primarily Mandarin; Cantonese and English) China Central Television (CCTV) is China's largest provider of cultural, news and entertainment programming. CCTV-4 was created to keep the 50 million Chinese living outside of China informed of news from their homeland. Parent Company: China Central Television, Beijing, China.
- <u>CTN</u> -- (Mandarin) The Chinese Channel consists of programming derived from CTN's Zhong Tian news channel and Dadi entertainment channel, including news, sports, dramas, variety and entertainment programming. Parent Company: Koos Group, Taiwan.
- RAI -- (Italian) RAI International promotes the rich culture of Italy through a unique blend of programming, including sports, movies, Italian festivals, concerts, cooking shows, game shows, documentaries and news. Parent Company: RAI, Rome, Italy.

¹ The International Channel also has entered into an agreement to represent Japan TV, making its programming potentially available to the hundreds of thousands of cable subscribers of Japanese heritage.

- Scandinavian Channel -- (Norwegian, Swedish, Finnish, Danish and Icelandic) The Scandinavian Channel offers a mix of Nordic programming, from current affairs, sports and cultural programs to educational and nature programs and documentaries. Ownership: Scandinavian Channel, Inc., Boulder, Colorado.
- <u>TFC</u> -- (Tagalog, English) The Filipino Channel (TFC) produces wholesome entertainment and extensive public service programs that cater to all aspects of Filipino life, including current affairs, educational shows, comedy game shows and musicals, news, talk shows and drama. Parent Company: ABS-CBN Broadcasting Corp., Manila, Philippines.
- TV Asia (Hindi, Gujarati, other South Asian regional languages, English) TV Asia is an Indian general entertainment channel that offers programming from the Indian subcontinent in Hindi, English, Gujarati, Urdu, Bengali, Punjabi and South Indian languages. Parent Company: Asia Star Broadcasting Inc., Edison, New Jersey.
- TV5 -- (French) TV5 is the international French-speaking channel, with programming from France, Switzerland, Belgium and Canada, distributed to five continents and more than 100 countries. TV5's programming includes a wide array of news, documentaries, entertainment and culture.

 Parent Company: TV5, Paris, France.
- Zee TV -- (Hindi, other South Asian regional languages) Zee TV connects people across the globe with its South Asian programming that includes movies, dramas, game shows and news. Parent Company: Zee Networks, Mumbai, India.

We Represent the Canales ñ Package of Spanish-Language Programming Services

- <u>Discovery en Español</u> -- Original educational and informational programming in Spanish.
- <u>CNN en Español</u> -- CNN's first Spanish-Language network including a varied format of newscasts and informational programming on health, entertainment, the environment and more.
- FOX Sports World Español -- Spanish-language sports network delivering high profile, high quality sports programming, including soccer, baseball, boxing, nightly sports news and original sports-oriented programming.
- Toon Disney -- Disney's new channel for animation with cartoons in both Spanish and English.

- MTV-S -- Exclusive Spanish-language programming like studio and Unplugged performances, news briefs and music videos from the most popular Hispanic recording artists.
- <u>VH-Uno</u> The best of Latin pop/Caribbean/tropical videos 24 hours a day, 7 days a week.
- <u>CBS TeleNoticias</u> -- CBS news, sports, weather and information from Latin America, all in Español.
- <u>CineLatino</u> -- Original Spanish-language movies from the 1940s to the 1990s, commercial free, with no dubbing or subtitles.
- Rio de la Plata Original variety programming from one of Argentina's top broadcasters featuring telenovelas, mini-series and comedies.
- <u>DMX</u> -- Eight audio channels of commercial-free, uninterrupted authentic Latin DMX Digital Music.

7	inte	rnc	tional C	Channel®				Polited	ile		
Pacific	· Central	Eastern	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday		
3:00 am*	5:00 am*,	6:00 am		Arabic N	News: LBC New	S (Arabic)		Video Heaven	Kev Koom Siab (Hmong with English subtitle		
3:30*	5:30*	6:30		Arabic News: ART International News (Arabic)				(Korean) British Va (English			
4:00*	6:00	7:00		French News: Télématin (French)				Korean Children's	Filipino Children's Bayani (Tagalog)		
4:30*	6:30	7:30		Mandarin News:	TTV News from	Taiwan (Mandarin)	Po Po Po (Korean) Filipi	Filipino Children's Math Tinik (Tagalog		
5:00*	7:00	8: 00		Gerr	nan Magazine (E	English)		French Children's	Extreme Sports Surf Channel (Englis		
5:30*	7:30	8: 30	German N	ews: Deutsche	Welle (German) D	Ooppelpass (Germ	ian) (Wed. only)	Animation (French)	ich) UK 70day (English)		
6:00	8:00	9:00		Spanish Nev	vs: <i>CBS Telenot</i>	<i>icias</i> (Spanish)		Spanish Children's The Little Prince	Jerusalem On Lini (English)		
6:30	8:30	9: 30		Polish N	ews: Polsat Nev	VS (Polish)		(Spanish)	Russian Variety (Russian)		
7:00	9:00	10:00	Japa	nese News: Fuj	ii sankei News (Ja	apanese with English su	ubtitles)	U.N. World Chronicle (English)	Japanese New:		
7:30	9:30	10:30		Japanese Ne	ws: Fujisankei N			Pardes (English)	Hodo 2001		
8:00	10:00	11:00		Tea Time (Mandarin)		China Spor (Ma	ts from CCTV indarin)	(Paid Programming)	(Japanese)		
8:30	10:30	11:30		Filipino	Drama: Flames	(Tagalog)		(rad riogianining)	The Message (English)		
9:00	11:00	12:00 pm		Canto	nese Drama (Ca	ntonese)	_	CCTV Drama (Mandarin with	(Paid Programming)		
9:30	11:30	12:30		SBS Drama		SBS Variety	SBS Unsolved Mystery	English subtitles)	(Faid Frogramming)		
10:00	12:00 pm	1:00		(Korean)		(Korean)	(Korean)	(Paid Programming)			
10:30	12:30	1:30		Vietna	mese Drama (Vie	etnamese)		(Fact Fogramming)	Hindi Movie		
11:00	1:00	2:00			Hindi Drama (Hind	ii)	Hindi Variety	<i>Islam</i> (English)	(Hindi with		
11:30	1:30	2:30			Hindi Drama (Hind	i)			English subtitles)		
12:00 pm	2:00	3:00		Fr	ench Variety (Fren	ch)		Motor Magazine (English)			
12:30	2:30	<i>3:30</i>		Korean Datin	g Game: Love S	Studio (Korean)		WUW Football (English)			
1:00	3:00	4:00				(1.0.00.1)		Sport Africa (French)	(Paid Programming)		
1:30	3:30	4:30		Spanish Cooking:	The Easy Cook	ing Show (Spanish	1)				
2:00	4:00	5:00	Scandinavian Variety (Various Scandinavian languages)				ART Soccer				
2:30	4:30	5:30	Russian News: Vremya (Russian)				: (Arabic)	RAI Soccer			
3:00	5:00	6:00		Portuguese Nev	ws: CBS Telenot	cicias (Portuguese)			(Italian)		
3:30	5:30	6:30	·	Spanish Nev	, , , , , , , , , , , , , , , , , , , ,				The World of Rugb		
4:00	6:00	7:00	Fre	ench News: Jou	rnal TV News (Fr	ench with English subti	itles)	(Paid Programming)	(English)		
4:30	6:30	7:30		Greek News:	Antenna Satellit	e News (Greek)		Dragonball Z (Japanese)	Extreme Sport		
5:00	7:00	8: 00		·	s: Philippines To			Cantonese	Surf Channel (English)		
5:30	7:30	8:30			News: TV Asia N			Movie			
6:00	8:00	9:00		Arabic News Repeat: ART International News (Arabic)				(Cantonese with English subtitles)	Dragonball Z (Japanesi		
6:30	8:30	9:30			Vorld Wide Watch		, _ ,		Music Fair (Japanese)		
7:00	9:00	10:00	Ca		International Rep		ese)	French Film	Fuji Drama		
7:30	9:30	10:30		Korean News: MBC News Desk (Korean)				Festival (French with	SBS Sunday		
8:00	10:00	11:00		Mandarin News: World Report (Mandarin)				English subtitles)	Night Drama		
8:30	10:30	11:30	Ma	Mandarin News: Oriental Horizons from CCTV (Mandarin)					(Korean)		
9:00	11:00	12:00 am*	Italian News: Telegiomale (Italian)								
9:30	11:30	12:30*	\	/ietnamese News		News (Vietnamese	9)	International (Various languages v			
10:00 10:30	12:00 am* 12:30*	1:00* 1:30*	Channel V's	Channel V's	e Drama Repeat Channel V's	(Vietnamese) Channel V's	Channel V's	(Vallous lai iguages Y	nui English additics/		
11:00	1:00*	2:00*	Korean Top 10	I Am Siam	Indian Top 10	Music Videos	Chinese Top 20				
			(Korean)	(Thai)	(English)	(Cantonese)	(Mandarin)	Video Heaven	(Paid Programming)		
11:30	1:30*	2:30*	Filipino Drama: Mara Clara (Tagalog)				(Korean)	Portuguese			
12:00 am* 12:30*	2:00* 2:30*	3:00* 3:30*	(Paid Programming) Jaam E. Jam Tanin (Farsi) (Farsi)			(Paid Programming)	Drama				
1:00*	3:00*	3:30* 4:00*						(Portuguese)			
1:30*	3:30*	4:00* 4:30*	(Paid Programming)			(Paid Prog	(Paid Programming)				
2:00*	3:30* 4:00*	4:30* 5:00*	Filipino News Repeat: Philippines Tonight (English) Hungary 2000 C				Cambodian				
2:30*	4:30*	5:30*	Filiplito News Repeat. Filippines Torlight (English)				Drama (Cambodian)				
	1		South Asian News Repeat: TV Asia News (English) Romanian Voice (Carr					(Carribodian)			

For program information, call (303) 712-5454, or visit our Web site at www.i-channel.com. Schedule subject to change.

Sports

Movies

Paid Programming

Drama/Variety/Children's

News

Limited Capacity -- Digital Must-Carry Will Limit Content Choices

Bandwidth Allocations

Simplistic Bandwidth Allocation

	750 Mhz	
Analog Video	Digital Video	Telephony Services
550 Mhz	100 Mhz	100 Mhz
85 channels	100 digital channels*	Internet & Telephone

^{*} Assuming 10:1 compression

Cox Communications Bandwidth Allocation

	750 Mhz Spectrum Utilization	on					
Upstream	Downstrea	am					
40 54 Mhz Mhz		600 Mhz		710 M hz			
	Analog TV Services		Digital TV Services	TELEPHONE	D A T A	D O C S S	* SPARE

^{*} Source: Ex Parte Submission of Cox Enterprises, Inc., dated November 12, 1999.

▶ Channel Capacity Considerations

Analog Capacity -- Cable analog capacity is full and is being reclaimed through deletions.

^{**} Potential uses include HDTV, VOD, Video Telephony and Streaming Video.

- Digital Compression -- Digital broadcast compression is not cable "friendly." Broadcast compression is effectively at a rate of 2:1 versus 10:1 up to 14:1 in cable.
- Digital Programming Choices -- Already digital programming choices far exceed digital capacity in rebuilt systems. In addition to multiple niche services, such as the foreign-language services offered by the International Channel, there are numerous multiplexes of basic and premium analog services. Pay-per-view offerings will also use a significant portion of digital capacity.
- Digital Broadcast Channels -- In major cities for which the International Channel, Canales ñ and the foreign-language premium services are best suited, digital must carry would use a significant portion of digital capacity because of the large number of broadcast stations.

Direct Adverse Impact of Analog Must Carry on the International Channel

Deletions

<u>System</u>	Households Lost	Groups Deprived of Programming
NYC (Time Warner)	1,100,000	Thai, Hungarian, Romanian, Romanian, Cambodian, Hmong, Russian, Arabic, French, Chinese, German, Spanish, Polish, Japanese, Filipino, Korean, Vietnamese, Hindi, Greek, Portuguese, Indian, Iranian, Italian, Pakistani, Scandinavian
Bronx, Brooklyn, NY (Cablevision)	26,000	Chinese, Arabic, Italian, Russian, Scandinavian
Ventura, CA (AT&T)	60,000	Filipino, Japanese, Chinese, Korean
Stockton, CA (MediaOne)	66,000	Filipino, Vietnamese, Cambodian, Thai, Hmong, Chinese
Elmhurst, IL (MediaOne)	125,000	Japanese, Vietnamese, Chinese, Polish, Italian

• Canceled Launches

<u>System</u>	<u>Households</u> <u>Lost</u>	Groups Deprived of Programming
Fairfield, CT (Cablevision)	110,000	Chinese, Indian, Pakistani, Korean, Italian, German, Polish
Mt. Vernon, NY	14,000	Italian, Korean, Indian, Pakistani, Chinese
Revere, MA (MediaOne)	12,500	Vietnamese, Chinese, Korean, Indian, Pakistani, Portuguese